

JURISDICTIONAL SOVEREIGNTY:

A Consent-Based Critique of Divine Authority

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ABSTRACT

This paper develops and defends a framework — here termed jurisdictional sovereignty — for evaluating claims of divine authority through the analytical tools of consent-based political philosophy. Rather than engaging the dominant ontological question of whether God exists, the paper argues that the logically prior and practically more tractable question is whether any being — real or hypothetical, proven or merely posited — possesses legitimate authority over rational agents in the absence of consent. Drawing on the social contract tradition (Locke, Rousseau, Rawls), the political theory of legitimate authority (Raz, Wolff), and constructivist metaethics (Korsgaard, Scanlon), this paper constructs a three-axiom framework grounded in the independence of legitimacy from ontology, the principle of interactive accountability, and the consent constraint. Its most philosophically distinctive feature is ontological invariance: the framework's normative conclusions are sustained regardless of how the metaphysical question of God's existence is resolved. The paper carefully distinguishes the position from atheism, apatheism, and misotheism; addresses sophisticated theological objections from Thomistic participatory metaphysics, skeptical theism, and the free will defence; and engages non-Abrahamic theological structures including process theology, apophatic traditions, and Advaita Vedanta. A sustained treatment of the axiom of shared vulnerability — grounded in Korsgaardian reflective endorsement and Scanlonian contractualism — provides a secular ethical foundation that does not derive moral obligation from divine command. The paper concludes with a nuanced treatment of political implications, engaging the Rawls-Wolterstorff debate on public reason, and a candid appraisal of the framework's limitations. The position discussed here has also attracted the designation *Omittoism* — a term I have introduced in broader discourse to name the principled refusal of unjustified jurisdictional claims — though this paper proceeds strictly within the norms of systematic philosophical analysis.

Keywords: *divine authority, jurisdictional sovereignty, consent theory, political theology, social contract, Omittoism, ontological invariance, jurisdictional turn, philosophy of religion, political philosophy, ethics, metaethics*

1. INTRODUCTION: THE QUESTION PHILOSOPHY HAS NOT BEEN ASKING

For more than two millennia, the philosophy of religion has organised itself around a single animating question: *Does God exist?* The bibliography generated by this inquiry is extraordinary — from Plato's *Timaeus* and Aquinas's *Summa Theologiae*, through Hume's *Dialogues Concerning Natural Religion* and Kant's critique of the ontological argument, to the contemporary exchanges between Plantinga, Mackie, Swinburne, and Dawkins. Each contribution, whether theistic, atheistic, or agnostic in conclusion, operates within what we might call the *ontological paradigm* of theological inquiry: the governing assumption that the crucial philosophical work consists in establishing or denying the existence of divine entities.

This paper proposes that this paradigm, despite its undeniable richness, has left an adjacent and arguably more tractable question almost entirely unasked: *by what right would any being — real or hypothetical, proven or merely*

posited — *possess legitimate authority over rational agents without their consent?* This is not an ontological but a *normative* question, and it belongs not primarily to metaphysics but to political philosophy — a domain that has developed rigorous tools for evaluating authority claims over several centuries. The neglect of this question in philosophy of religion is not total, but it is systematic; its causes are worth examining before they are corrected.

Part of the explanation lies in the historical entanglement of philosophy of religion with apologetics and its critics: both sides accepted the ontological question as the decisive battleground. If God exists, divine authority was typically assumed to follow; if God does not exist, the authority question becomes moot. What neither side adequately theorised is the logical independence of these two questions — the possibility that even a demonstrably existing, demonstrably powerful deity might fail to satisfy the conditions of legitimate authority over rational agents. This logical independence is the pivotal insight from which the present framework proceeds.

The framework developed here — **jurisdictional sovereignty** — applies consent-based political philosophy to divine command theory. Its core thesis: the capacity to create an entity does not inherently generate the moral authority to govern that entity. This principle is not philosophically novel in political contexts (parents do not acquire permanent dominion over adult children; corporate founders cannot claim proprietary rights over employees' consciences), but its application to theological authority has been underdeveloped, despite suggestive moves in Kant, Bakunin, Wolff, and Murphy. Synthesising these antecedents into a coherent framework with formal properties — particularly ontological invariance — constitutes this paper's contribution.

In broader discourse, this position has attracted the name **Omittoism** — the principled refusal, not of religious experience, but of unjustified jurisdictional claims. That name is acknowledged here for transparency, but the paper proceeds strictly within the norms of academic philosophical analysis. The goal is not to found a movement but to provide rigorous philosophical grounds for a position that many agents already implicitly occupy without formal justification.

2. INTELLECTUAL BACKGROUND AND GENEALOGY

Jurisdictional sovereignty does not arrive without philosophical ancestors. Its strength derives precisely from being built on foundations that are already independently well-motivated across multiple traditions. An honest genealogy is therefore not merely contextualisation but part of the argument's justification.

2.1 The Social Contract Tradition

The canonical insight of the social contract tradition is that legitimate political authority cannot rest on raw power, natural hierarchy, or mere tradition alone. Locke's *Second Treatise* (1689) established the foundational distinction between *power* and *authority*: a highwayman who compels cooperation under threat has power over me, but not authority. Authority requires justification; power merely requires capacity. This distinction is not culturally parochial; it follows from the structure of what it means to claim that someone is *obligated* rather than merely *compelled*. Rousseau's *Social Contract* (1762) added the insistence that legitimate governance must serve the general will rather than merely the interests of the powerful. Rawls, in *A Theory of Justice* (1971) and *Political Liberalism* (1993), refined this into a theory of public reason: legitimate authority must be justifiable through reasons that all affected parties, regardless of comprehensive doctrines, can in principle accept.

Joseph Raz's service conception of authority (1986) provides an additional analytical resource: authority is legitimate when following its directives enables subjects to conform better to reasons already applicable to them than they would by acting on their own unmediated judgment. This is a demanding criterion that we will apply to divine authority in Sections 5 and 6.

2.2 The Critique of Divine Command

Euthyphro's dilemma — is something good because God commands it, or does God command it because it is good? — marks the inaugural philosophical engagement with the normative structure of divine authority (Plato, 380 BCE/1997). The dilemma has never been decisively resolved: the first horn collapses morality into arbitrary divine will; the second establishes moral standards independent of divine command, undermining the theistic claim to moral sovereignty. Kant made the autonomy of moral reason explicit (*Religion within the Bounds of Bare Reason*, 1793): moral obligation flows from rational self-legislation, not from the fact of divine command. Wolff's *In Defense of Anarchism* (1970) provided the most rigorous argument that genuine moral autonomy is logically incompatible with unconditional authority — an argument whose logic applies with equal force in the theological domain. Murphy's *An Essay on Divine Authority* (2002) and Zagzebski's *Epistemic Authority* (2012) represent the most sophisticated contemporary attempts to specify the conditions under which deference to authority — including divine authority — is rationally warranted. This paper builds directly on both.

2.3 Hume's Forensic Legacy

Hume's contribution is twofold. His *Dialogues Concerning Natural Religion* (1779) subjected the evidential basis for theism to empirical scrutiny that remains largely unrefuted; his *Treatise of Human Nature* (1739) articulated the is-ought gap, establishing that normative conclusions cannot be derived directly from descriptive premises without additional normative input. Both moves are foundational here: the first establishes the epistemic uncertainty of the existence question; the second establishes the formal independence of the legitimacy question from it. What this paper adds is a formal framework for what follows from those insights — a conversion of Humean diagnosis into normative architecture.

2.4 What Is Genuinely Novel

With these antecedents acknowledged, what remains as a genuine contribution? Three things. First, the systematic integration of consent-based legitimacy theory with philosophical theology in a way that achieves *ontological invariance* — the property of sustaining identical normative conclusions regardless of the existence question. This property has not been formally articulated in any predecessor, including Murphy (2002), who attempts to vindicate a limited form of divine authority rather than evaluate its conditions. Second, the *demarcation criterion* — a principled account of why divine command specifically requires consent-based justification in a way that physical necessities and logical constraints do not — addressed in Section 3.5 below. Third, the *consenttheism corollary*: the formal recognition that reflective, voluntary submission to divine authority is fully accommodated within the framework, demonstrating that jurisdictional sovereignty is not anti-religious but structurally neutral between authentic affirmation and principled refusal.

3. THE JURISDICTIONAL FRAMEWORK: THREE AXIOMS

3.1 The Jurisdictional Turn

The *jurisdictional turn* is a methodological reorientation, not a metaphysical thesis. It does not assert that God does not exist; it asserts that questions of divine authority belong to a different logical domain than questions of divine existence, and that progress on the former does not depend on resolving the latter. The analogy is instructive: whether a particular head of state exists is an empirical question; whether that head of state's authority is legitimate is a distinct normative question requiring examination of constitutional structures, consent mechanisms, and accountability channels. A government's existence does not entail its legitimacy. Applied to the theological context: even if God's existence were demonstrated tomorrow, the question of divine authority over rational agents would remain logically open and philosophically demanding.

This reorientation produces three immediate analytical advantages. *Logical priority*: since legitimacy evaluation does not await ontological resolution, the framework can operate now, under conditions of genuine epistemic uncertainty. *Normative clarity*: the tradition of political philosophy has developed explicit, well-tested criteria for legitimate authority — criteria that jurisdictional sovereignty applies consistently. *Practical relevance*:

for agents deliberating about whether to submit to religious authority in their actual lives, the legitimacy question is typically more immediately actionable than metaphysical questions about existence.

3.2 Axiom I — The Independence of Legitimacy

The first axiom: *the capacity to create an entity does not inherently generate moral authority over that entity*. This is not a philosophical invention but an already widely accepted commitment embedded in our moral thinking about intergenerational relations, intellectual property, and institutional governance. The explanation runs deep: what generates moral authority is not causal origin but the satisfaction of normative conditions — consent, reciprocity, accountability. Creation is a causal relation; authority is a normative relation. Moving from one to the other requires independent argument. That independent argument has not been furnished by any theological tradition with the rigour the claim demands.

3.3 Axiom II — Interactive Accountability

The second axiom: *any entity that demands a moral response from sentient beings thereby subjects itself to the evaluative standards of those beings*. This follows from the internal logic of moral demands: if I ask you to love me, I implicitly subject myself to standards of lovability; if I demand your obedience, I implicitly subject myself to standards of legitimate command. A God who demands worship, compliance, and moral allegiance cannot coherently maintain sovereign immunity from the evaluative standards of those whose compliance is demanded. Crucially, this axiom does not require that divine morality be identical to human morality; it requires only that the *structure* of demanding moral response entails entering the moral community as an evaluable participant — a move from which immunity cannot then be retrospectively claimed.

This has a further implication for what analytic theologians call divine simplicity. The position (associated with Aquinas, Stump, and Davies) that God *is* the standard of goodness rather than subject to it faces the interactive accountability challenge directly: if God's commands generate normative obligations in rational agents, those agents are entitled to ask whether the commands are good — not by an external standard, but by the very standards implicit in claiming to command moral beings. God cannot both constitute the moral standard and exempt Himself from the moral scrutiny that standard-setting entails when directed at agents capable of moral evaluation.

3.4 Axiom III — The Consent Constraint

The third axiom: *legitimate authority over rational agents requires either explicit consent or the meaningful possibility of exit*. This is the most direct application of social contract theory to the theological domain. Existence itself is unchosen — no rational agent consents to being born — and exit from existence, absent self-destruction, is not genuinely available. These are structural, not contingent, features of the human condition. The argument is not that rational agents should refuse divine authority, but that the structural conditions for validating such authority are, on the evidence of the human situation, absent. Continued existence under unchosen conditions cannot function as tacit consent, any more than a prisoner's continued breathing constitutes consent to imprisonment.

3.5 The Demarcation Criterion: Why Divine Command Specifically Requires Consent

A critical objection must be engaged directly: if the absence of consent to existence invalidates divine authority, does the same logic invalidate the authority of physical laws, biological imperatives, or logical necessities — all of which agents also fail to consent to? This is the **overreach objection**, and addressing it requires a precise demarcation criterion.

The demarcation criterion is this: *the consent requirement applies to authority claims specifically — to assertions that an agent is morally obligated to comply with an agent's will, that non-compliance is morally blameworthy, and that failure to comply*

warrants punishment. Physical laws, biological drives, and logical necessities make none of these claims. Gravity does not assert that falling objects are morally obligated to fall; the second law of thermodynamics does not judge entropy as righteous compliance. These are *causal* regularities, not *normative* commands. The moment an entity issues commands, assigns blame, promises rewards for compliance and punishments for non-compliance — as theistic traditions consistently represent divine governance — it enters the domain of normative authority, and the consent requirement becomes applicable.

Put formally: the consent constraint applies precisely because *authority claims address rational agents as agents* — as beings capable of compliance or non-compliance, responsibility and accountability. To address someone as an agent is to presuppose that they are in a position to evaluate the authority claim. A command directed at a rational agent that claims the agent's non-compliance is morally wrong *already* concedes the agent's standing to evaluate the claim — and evaluation by the addressee is precisely what the consent requirement formalises. Gravity, by contrast, addresses no one. It exerts force without recognising the normative standing of those on whom it acts.

4. CONCEPTUAL CARTOGRAPHY: JURISDICTIONAL SOVEREIGNTY AMONG ADJACENT POSITIONS

4.1 Atheism: Ontology versus Normative Act

Atheism is an ontological position asserting the non-existence of deities. As such, it is vulnerable to a specific defeater: if compelling evidence for the existence of God were to emerge, atheism would be defeated. Jurisdictional sovereignty is structurally invulnerable to this defeater. The atheist says: *there is no master*. The jurisdictional sovereigntist says: *I recognise no master*. The former is a metaphysical assertion; the latter is a normative stance. One important clarification is needed: sophisticated philosophical atheism — in Nielsen (1973), Mackie (1982), and even Hume — often already makes normative claims that do not depend entirely on God's non-existence. The present paper does not claim that the normative dimension is absent from atheistic philosophy; it claims that the *systematic* subordination of the legitimacy question to the existence question has produced an underexplored logical space that jurisdictional sovereignty explicitly occupies.

4.2 Apatheism and Misotheism

Apatheism is practical indifference to theological questions; jurisdictional sovereignty is its precise opposite — full engagement with divine authority claims, followed by a considered normative verdict. *Misotheism* — the hatred of God, explored in the philosophical literature by Zuckerman (2012) and represented in literary form by Dostoevsky's Ivan Karamazov — expresses affective antagonism toward a perceived divine malevolence. Jurisdictional sovereignty maintains affective neutrality. It does not require that God be unjust; it requires only that the authority claim be evaluated, and it finds that claim — absent the satisfaction of consent, accountability, and proportionality conditions — illegitimate. A judge reviewing governmental overreach need not hate the government; she need only apply the law consistently. The judicial posture, not the aggrieved posture, is what this framework models.

4.3 Consentheism: The Framework's Internal Generosity

The framework's intellectual good faith is demonstrated by its most important internal corollary: **consentheism**. This term designates the position of an agent who, having subjected divine authority claims to genuine evaluation, freely and reflectively affirms them. Such consent is not merely tolerated but formally recognised within the framework as the paradigm case of legitimate religious commitment. Jurisdictional sovereignty does not hold that no one may submit to divine authority; it holds that submission without evaluation is normatively deficient — that genuine religious commitment is most authentically expressed precisely when it is freely chosen rather than coerced by the absence of alternatives.

This corollary corrects a persistent misreading. The framework is not anti-religious in motivation; it does not aim to empty the world's places of worship. Most people who believe in God do so with genuine reflection and, in the relevant sense, voluntarily — they have, implicitly or explicitly, consented to the framework of divine governance they inhabit. The jurisdictional framework has no quarrel with them. Its concern is with the claim that such consent is logically unnecessary, normatively irrelevant, or structurally guaranteed by existence itself. The space opened by principled evaluation is precisely the space in which authentic religious commitment — as opposed to existentially coerced submission — becomes conceptually possible.

5. ONTOLOGICAL INVARIANCE: THE FRAMEWORK'S STRUCTURAL CROWN

The most philosophically distinctive feature of jurisdictional sovereignty is its **ontological invariance**: the capacity to sustain identical normative conclusions regardless of how the metaphysical question of God's existence is resolved. This property has not been formally articulated in any predecessor framework and constitutes the central structural advancement of this analysis.

Its importance derives from the epistemological situation: the existence question is, and may remain, genuinely unanswerable. The evidence is contested, the concepts involved resist clear empirical operationalisation, and the standards for settling the question are themselves disputed. Philosophers have engaged these questions with extraordinary care for millennia without approaching consensus. It would be epistemically presumptuous to pretend otherwise. The legitimacy question, however, does not require the existence question to be resolved first. Consider the logical structure:

Scenario A — God does not exist: There is no divine authority to evaluate. Rational agents retain moral self-governance by default. The framework's normative conclusion is trivially confirmed — not as a contested philosophical result, but as a logical consequence of absence.

Scenario B — God exists, consent conditions not met: Existence alone — however real, however powerful — does not generate authority. The three axioms apply, and the conclusion follows that divine authority, however ontologically secure the being exercising it, remains jurisdictionally illegitimate pending satisfaction of consent conditions. The agent who declines submission is not being irrational; she is applying the same standards she applies to all authority claims.

Scenario C — God exists, consent conditions satisfied: The framework's conditions are met. Divine authority may be recognised as legitimate. Consentism becomes the appropriate rational response, and jurisdictional sovereignty has no objection. This scenario is not ruled out a priori; the framework is genuinely open to it.

In no scenario does the framework require us to first resolve the existence question. This is not philosophical evasion but genuine analytical progress: the recognition that two distinct questions — does X exist? and does X have authority over me? — belong to different logical domains and can be addressed independently. The ontological invariance of jurisdictional sovereignty immunises it against the most common line of theological objection, which holds that critics of divine authority must first demonstrate God's non-existence before their critique has traction. It does not. The critique has traction under any ontological outcome.

5.1 Ontological Invariance and Thomistic Natural Law

One sophisticated theological objection holds that ontological invariance fails precisely in the case of Thomistic natural law theology. On the Thomistic account, the natural law is not an external command issued by God to otherwise independent rational agents; it is the rational creature's participation in the eternal law — an intrinsic orientation of reason toward the good that is constitutive of what rational agency *is*. If this is correct, the consent requirement may be inapplicable: there is no external authority to consent to, because the relevant normativity is internal to rational nature itself.

This objection is important and will be addressed at length in Section 7. Here it suffices to note the internal tension it creates: if divine authority is genuinely intrinsic to rational agency, it cannot simultaneously be the kind of *political* authority — commanding, rewarding, punishing — that theological traditions consistently represent it as being. The Thomist cannot both claim that divine law is an internal constitutive feature of rationality (evading the consent requirement) and claim that God judges, punishes, and rewards compliance with that law (reinstating the normative authority structure the consent requirement addresses). Ontological invariance survives this objection for the same reason it survives all others: whatever the metaphysical structure of the divine, the claim to *govern* rational agents — to hold them responsible, to judge and punish — places the authority claim squarely in the normative domain where consent conditions apply.

6. A GOVERNANCE AUDIT: THREE STANDARDS OF LEGITIMATE AUTHORITY

The three axioms of Section 3 jointly generate a burden of proof: any entity that issues commands, assigns blame, and administers consequences addresses rational agents as agents and thereby enters the normative domain where consent conditions apply (Axiom III). Creation does not discharge this burden (Axiom I), and the very act of demanding moral response forecloses sovereign immunity from evaluation (Axiom II). The governance audit below applies three standards that are not constructed adversarially for this purpose; they are the standards that mature political philosophy has independently converged upon as conditions of legitimate governance over rational agents.

The following three standards are derived from political philosophy and the theory of legitimate governance. They are not constructed ad hoc to discredit religious traditions; they are the standards that political philosophers of divergent commitments — Rawlsian liberals, natural law theorists, democratic theorists — have converged upon as conditions for legitimate authority over rational agents. Applying them to divine governance is not special pleading; it is the principled application of consistent evaluative criteria across contexts.

6.1 Legislative Clarity

Legitimate authority requires that its norms be communicable to those subject to them. This does not demand perfect clarity in every case; law is inherently incomplete, and interpretation is an inescapable feature of any normative system. The standard at issue is structural adequacy: can those subject to the authority system, making reasonable epistemic efforts, identify the content of their obligations with sufficient reliability to make compliance possible? A governance system that systematically generates irresolvable interpretive disagreement about its most basic requirements fails this standard — not because every question is unanswered, but because the rate and depth of disagreement suggests a failure of communication design.

To make this argument precise rather than merely suggestive, a baseline expectation must be specified. An omniscient, omnipotent communicator whose stated purpose is universal rational compliance would predictably produce: convergence on foundational obligations across independently developed traditions; a rate of interpretive disagreement proportional to the genuine complexity of the norms, not exceeding it; and a pattern of doctrinal revision that moves toward consensus over time rather than generating new schisms. The empirical record satisfies none of these criteria. Foundational obligations — the existence of an afterlife, the permissibility of violence in God's name, the conditions of salvation or liberation, the identity of authoritative scripture — are not merely contested at the margins but disputed at the centre, across traditions and within them, by sincere and learned interpreters across centuries. The divergence is not of the kind produced by complexity in the norms; it is of the kind produced by the absence of a shared authoritative source. A governance system whose communication architecture produces this pattern, when its designer possesses the capacity to produce convergence, has failed the legislative clarity standard on any reasonable specification of that standard.

This structural analysis, not a polemic against religion, is what the empirical record of religious diversity provides evidence for. There are currently more than four thousand distinct religious traditions, each claiming divine sanction, presenting systematically divergent accounts of divine obligation. Within single traditions, centuries of hermeneutical controversy — about the status of oral versus written law in Judaism, about the scope of Quranic applicability in Islamic jurisprudence, about Christological doctrine in Christianity — demonstrate that the authoritative divine message is far from self-evident to sincere, intelligent, earnest interpreters. The standard theodical response — that divine hiddenness constitutes a test of faith — is not analytically satisfying. A governance system that designs its communication to be ambiguous, then assigns moral blame for misinterpretation, fails the legislative clarity standard. The issue is not whether the standards are high; the issue is whether the structural features of the authority system are consistent with the authority's stated goal of universal rational compliance.

6.2 Proportional Justice

Legitimate authority calibrates sanctions to the severity of violations. This principle — proportionality — is foundational to every mature legal system and has its philosophical roots in Aristotle's *Nicomachean Ethics*, Kant's retributive theory, and contemporary debates on desert-based punishment (Tadros, 2011). Its core content: harm severity, not victim status, determines the appropriate punitive response.

The theological doctrine of Hell — eternal punishment for finite transgression — violates this principle. The standard defence — that sin against an infinite being carries infinite weight — commits a categorical error that deserves more careful examination than it standardly receives. In human jurisprudence, crime severity tracks harm inflicted rather than victim status or magnitude: theft from a billionaire does not merit harsher punishment than theft from a pauper merely because the former is wealthier. Proportionality is calibrated to harm, not to victim magnitude.

Classical theism compounds this difficulty: the Thomistic doctrine of divine impassibility holds that God is incapable of suffering harm. If God cannot be harmed, it is genuinely unclear what finite transgression constitutes infinite offence. The argument from victim magnitude — 'God is infinite, therefore offence against God is infinite' — requires that harm to God be possible, which impassibility denies. The inference from 'disobedience to an infinite being' to 'infinite punishment warranted' is therefore either circular (defining severity by power rather than harm) or inconsistent with impassibility.

The most sophisticated contemporary defence of Hell — Adams's (1993) 'natural consequence' model, according to which Hell is not imposed punishment but the natural condition of an agent who has rejected the sole source of ultimate good — receives its most serious challenge from the consent analysis. Even on the natural consequence model, God *designed* a system in which rejection generates that condition. A designer who engineers a system in which uninformed refusal — refusal under conditions of epistemic limitation, existential pressure, and infinite stakes — produces permanent catastrophe has not escaped the proportionality problem by re-describing punishment as consequence. The engineering choice retains its moral weight.

6.3 Consent, Revocability, and the Hypothetical Consent Problem

The consent standard has attracted the most sustained philosophical scrutiny, and rightly so — consent theory in political philosophy is contested terrain, not a settled foundation. The principal objection is the *hypothetical consent problem*: many theories of legitimate authority appeal not to actual consent but to what rational agents would consent to under idealised conditions (Rawls's original position; Scanlon's contractualism). If hypothetical consent can ground legitimacy, perhaps divine authority passes the test: a rational agent with perfect information might consent to divine governance if it really is, as classical theism claims, beneficent and wise.

Before addressing the hypothetical consent problem, the framework's own consent-theoretic commitments require specification. This paper does not rely on a pure actual consent model — the view that only explicit, historically given consent generates legitimate authority — because such a model faces well-known difficulties

in political philosophy regarding future generations, non-participants, and the historical absence of genuine consent procedures (Simmons, 1979). Nor does it rely solely on a hypothetical consent model, for reasons developed below. The framework's operative consent standard is closest to Scanlon's (1998) reasonable rejection criterion: a governance structure is legitimate if and only if the principles organising it are ones that no agent could reasonably reject as a basis for general agreement. This criterion is demanding without being impossible — it does not require that every agent actually consented, but it does require that the principles be genuinely justifiable to those governed, not merely to an idealised rational agent behind a veil of ignorance. The particular vulnerability of the theological consent context is what Pateman (1985) identifies as structural coercion: consent given under conditions of extreme asymmetric power — where one party is omnipotent, omniscient, and controls the conditions of the other's existence — cannot function as genuine consent without independent procedural safeguards that ensure the weaker party's evaluative standing is preserved. No theological tradition to the author's knowledge has specified what those safeguards are. Until they are specified, the Scanlonian criterion has not been met, and the normative default remains with autonomy.

This objection deserves respect. The response proceeds in two stages. First, hypothetical consent theories themselves require that the hypothetical conditions be procedurally fair: the Rawlsian original position is designed to model conditions of genuine epistemic equality behind a veil of ignorance. A hypothetical consent argument for divine authority would need to specify the idealised conditions under which rational agents would consent — and doing so rigorously would require bracketing precisely the features of theological frameworks (infinite punishment, omniscience asymmetry, permanent inescapability) that generate the legitimacy concern in the first place. A hypothetical consent argument constructed around idealised conditions that are systematically unavailable to actual agents in the actual human situation does not generate actual obligations for those agents.

Second, and more fundamentally: even granting that some hypothetical consent model could vindicate divine authority in principle, the burden of proof lies with the authority claimant to demonstrate that the relevant idealised conditions obtain. The structural features of the human situation — unchosen existence, epistemic limitation, infinite-stakes asymmetry — are not the features of a fair consent procedure. They are the features of a context in which claims of tacit consent are systematically abused. The jurisdictional framework does not need to establish that no hypothetical consent model could ever vindicate divine authority; it needs only to establish that the conditions validating such a model have not been demonstrated, and that until they are, the normative default favours autonomy rather than submission.

7. ENGAGING SOPHISTICATED THEOLOGICAL OBJECTIONS

A philosophical framework earns its credentials through the quality of its engagement with the strongest available objections. The following represent the most sophisticated defences of divine authority in the contemporary analytic theology literature. They are presented charitably and engaged with the care they deserve.

7.1 The Ground of Being and Participatory Metaphysics (Classical Theism)

Classical theism, particularly in its Thomistic formulation, challenges the political analogy that grounds this framework at its root. God, on this account, is not *a* being among others — not even the most powerful — but *Being Itself* (*ipsum esse subsistens*): the ontological ground of all existence, the act of being in which all creatures participate. Stump's (2003) sophisticated reading of Aquinas deepens this: the creature-creator relation is not analogous to citizen-state or child-parent relations because those hold between beings on the same ontological plane, while God is the condition of possibility of ontology itself. On this participatory metaphysics, the orientation toward God is not an external legislative command but the natural *telos* of creaturely existence — an intrinsic directedness toward the divine as the source of being and perfection, as constitutive of rational nature as sight is constitutive of the eye.

This is a serious position, and the dismissal of it as 'mere constitutive dependence' would be philosophically inadequate. The response developed here proceeds in three stages.

First, the Thomistic position must be held to its most careful formulation. If divine authority over rational agents flows from metaphysical constitution — from the fact that rational nature is intrinsically ordered toward God as its final end — then what precisely is the content of this authority? It cannot be the legislative authority of a sovereign who commands, judges, and punishes, because that model presupposes precisely the kind of external command structure that participatory metaphysics replaces. Davies (2006) is admirably clear that on the Thomistic account, God is not a 'moral agent' in the ordinary sense — not a being who deliberates, issues commands, and reacts to compliance or non-compliance. If this is correct, it seriously undermines the representation of divine governance found in theological traditions that represent God as commanding, prohibiting, rewarding, and punishing. One cannot simultaneously maintain that God is beyond the category of moral agency (as participatory metaphysics suggests) and that God issues moral commands with binding force (as divine command theory maintains). The Thomist must choose which representation governs.

Second, even granting the participatory account fully, teleological orientation does not generate normative authority in the relevant sense. The claim that rational creatures are constitutively oriented toward God as their final end is a claim about the formal structure of human nature — analogous, on the Thomistic account, to the orientation of eyes toward sight. But teleological orientation does not generate a duty of worship or obedience any more than phototropism generates moral obligations for plants. Stump (2003) recognises this and argues that rational creatures are categorically different from plants precisely in their capacity for reflective endorsement — the ability to recognise and affirm their own teleological structure. But here the Thomist unwittingly concedes the jurisdictional framework's central point: if the legitimacy of divine governance depends on the rational creature's capacity for reflective endorsement, then reflective endorsement — a form of consent — is indeed the operative legitimacy condition. The framework does not deny that reflective endorsement is possible; it insists that it is required, which is precisely what consentism formalises.

Third, the Thomistic natural law account faces a specific internal tension that the jurisdictional framework makes visible. If the natural law is genuinely constitutive of rational nature rather than an external command — if it describes what rationality *is* rather than what God *requires* — then violations of it are not disobedience to a legislator but failures of rational self-constitution. This is an important and defensible moral view. But it no longer supports the claim to *political* divine authority — the authority to govern, judge, and punish rational agents as a sovereign judges subjects. Natural law as internal rational structure is not the same as natural law as divine legislation. The Thomist who takes participatory metaphysics seriously must either abandon the legislative model of divine governance (in which case the consent requirement becomes moot because there is no political authority to consent to) or retain the legislative model (in which case participatory metaphysics does not, by itself, satisfy the consent requirement). The framework tracks this distinction with precision.

7.2 Skeptical Theism: The Symmetrical Defeat Argument

Skeptical theism, associated with Wykstra (1984) and Bergmann (2009), holds that human cognitive limitations prevent confident evaluation of divine governance. If the 'greater goods' that justify apparent evils are systematically beyond our epistemic access — if our situation with respect to understanding divine reasons is like that of a small child who cannot understand a parent's medical decisions — then confident inference from apparent illegitimacy to actual illegitimacy is unwarranted.

The response is a symmetrical defeat argument that has independent philosophical merit. If our evaluative faculties are too limited to judge apparent evil as genuinely evil — if the goods that might justify apparent suffering are systematically beyond our epistemic access — then *those same faculties are equally too limited to judge apparent good as genuinely good*. The recognition of divine goodness, wisdom, and benevolence that grounds the rational basis for worship requires precisely the evaluative capacities that skeptical theism places in systematic doubt. We cannot selectively apply cognitive humility to the case against divine governance while exempting the case for it. A god-concept built on 'God is good, therefore worship is warranted' and defended by 'but human

cognition cannot evaluate divine action' maintains two claims that cannot coexist: the first requires reliable evaluative access to divine goodness; the second denies it. Skeptical theism, applied consistently, is existentially fatal to theism as a rationally motivated position, not merely to its critics.

Almeida and Oppy (2003) develop this line against skeptical theism from within the theistic literature. Wielenberg (2010) extends it to show that if skeptical theism is correct, God could coherently deceive us — which undermines the moral foundations of theistic ethics more thoroughly than any atheistic critique. The symmetry point is not a rhetorical flourish; it is a formal logical observation about the structure of the response. The jurisdictional framework does not require resolution of this internal theistic difficulty; it merely notes that skeptical theism provides no defence of divine governance precisely because it is equally corrosive of the rational basis for affirming it.

A theology that deploys cognitive humility as a shield against moral critique must accept that the same humility dissolves the rational warrant for worship — skeptical theism, in attempting to protect God from accountability, inadvertently makes confident theism itself epistemically indefensible.

7.3 The Free Will Defence

Plantinga's free will defence (1974) argues that a world containing genuinely free creatures who sometimes choose evil is more valuable than a world of automata constrained to choose well, and that an omnipotent God cannot, given this, guarantee that free creatures always choose rightly. The defence is sophisticated and has generated a substantial secondary literature.

The jurisdictional audit reveals two structural failures. First, the defence addresses moral evil — evil resulting from free creaturely choices — while leaving natural evil entirely unaccounted for. Childhood cancers, congenital disorders, tectonic events, parasitic infections: none of these are products of human freedom. An omnipotent designer who values freedom sufficiently to permit the Holocaust but not sufficiently to prevent paediatric leukemia faces the specific governance question: why were the design parameters set this way? The free will defence provides no answer to this question, because it is not a question about freedom.

Second, and more decisively for the jurisdictional analysis: the defence assumes that freedom requires the possibility of catastrophic harm. But this assumption can be interrogated by distinguishing freedom *over* morally significant choices from freedom *to inflict* unlimited harm. We routinely recognise this distinction in human governance: citizens are free to make morally significant choices while being legally constrained from inflicting extreme violence. The question for the free will defence is: why could an omnipotent designer not have calibrated the domain of creaturely freedom to include robust moral agency over genuinely significant choices while constraining the capacity for mass suffering? The silence on this question is not incidental; it reveals that the defence implicitly treats freedom as an all-or-nothing property that cannot be calibrated, an assumption Plantinga's own modal realism does not require. More recent modal treatments (van Inwagen, 2006) have noted this gap without fully resolving it.

7.4 The Cultural Universality Objection

Perhaps the most politically charged objection holds that jurisdictional sovereignty imposes Western liberal values — consent, individual autonomy, rights-based thinking — onto traditions that operate with different foundational commitments, and that doing so constitutes a form of philosophical imperialism.

The objection conflates philosophical universalism with cultural imperialism, and this conflation requires correction at two levels. At the first level: consent-based legitimacy is not a peculiarly Western insight but a recognition of conditions that follow from the structure of rational agency under conditions of vulnerability and social interdependence. The *Kalama Sutta* of the Pāli Buddhist canon instructs adherents to evaluate teachings through personal investigation rather than accept them on the basis of tradition or authority lineage — an explicit epistemic autonomy norm. Mencius (4th century BCE) articulated the conditions under which rulers forfeit the Mandate of Heaven through failure to serve the governed — a structural limitation on

political authority that functions analogously to the consent constraint. Chan (2014) contextualises these within the Confucian political tradition as independently developed limitations on power. Indigenous governance traditions across North America, Africa, and Oceania have long practised consensus-based decision-making that treats leadership as earned rather than inherent (Alfred, 1999). These are not Western imports; they are independent recognitions that power requires justification.

At the second level: the cultural imperialism objection has a troubling internal structure. It deploys cultural relativism to insulate power from accountability — to argue that consent-based evaluation is culturally inappropriate for some communities is effectively to argue that those communities' authorities need not justify themselves to those they govern. Relativism deployed in this way is not cultural sensitivity; it is a mechanism for protecting hierarchy from rational scrutiny. Any philosophical framework that takes rational agency seriously must resist this move — not because Western liberalism is superior to other traditions, but because the protection of power from rational evaluation is an instrument of domination wherever it operates. Sen (1999) makes this point with characteristic force: the claim that democratic accountability is a parochially Western value has historically served authoritarian regimes, not the populations they govern.

8. ETHICS WITHOUT DIVINE COMMAND: GROUNDING MORAL OBLIGATION

A framework that declines to ground ethics in divine command bears an obligation: it must provide a rigorous alternative account of moral obligation. This is not optional philosophical housekeeping; it is a central requirement of intellectual responsibility. The removal of divine authority as the source of moral normativity is philosophically defensible only if an adequate alternative is available.

8.1 The Axiom of Shared Vulnerability

Moral obligation is grounded here in what I term the **axiom of shared vulnerability**: any rational agent capable of suffering and dependent on social cooperation is thereby rationally committed — in a specifically non-circular way — to norms of reciprocity. The key qualification is 'non-circular': this is not an argument that derives 'ought' from 'is' by asserting that vulnerability *is* a source of obligation. It is rather what Korsgaard (1996) terms a *reflective endorsement* argument: the norms of reciprocity are not externally imposed but internally required by the kind of agency the agent already values when she reflectively endorses her own continued existence and flourishing.

The argument structure is conditional rather than categorical. *If* an agent reflectively endorses her own continued existence and well-being as valuable — a commitment that virtually all agents actually hold on reflection — *then* she is rationally committed to principles that make such well-being achievable under conditions of interdependence. This is not a logical derivation of 'ought' from 'is' but a recognition that certain normative commitments are constitutive of the kind of valuing agency the agent already performs. The 'if' is not a logical weakness; it is a recognition that the argument binds those who can genuinely engage in reflective endorsement — which is precisely the class of rational agents whose autonomy the framework aims to protect.

8.2 Meeting the Humean Is-Ought Challenge

The Humean guillotine — the impossibility of deriving normative conclusions directly from descriptive premises — is one of philosophy's most robust methodological principles (Hume, 1739/2000, III.i.1). It must be addressed directly, not circumvented.

The reflective endorsement argument does not violate Hume's guillotine because it does not move from biological facts (vulnerability, interdependence) to normative conclusions without normative input. The normative input is the agent's own reflective endorsement of her existence as valuable. This endorsement is not a brute 'is'; it is a first-personal normative commitment — a valuing — that is itself the agent's own contribution to the argument. The logical structure is: *given that you already reflectively value your own existence and*

flourishing (a normative premise), *and given that such flourishing is achievable only under conditions of social cooperation* (an empirical premise), *it follows that you are rationally committed to the norms of reciprocity that make such cooperation possible* (a normative conclusion). The normative input and normative output are on the same side of the is-ought divide; the empirical premise contributes the factual information that makes the normative connection specific and action-guiding.

Korsgaard (1996, pp. 90-130) develops this structure through her concept of normative self-constitution: the norms of rational agency are not external constraints on a pre-existing self but constitutive features of the unified agency the agent enacts in acting at all. An agent who endorses her own agency as valuable — which is a prerequisite of deliberate action rather than a further optional commitment — is thereby committed to the conditions that make her agency coherent and sustainable. Reciprocity is among those conditions under circumstances of interdependence.

8.3 Scanlon's Contractualism and the Reasonable Rejection Criterion

Scanlon's contractualism (1998) provides a complementary foundation. On Scanlon's account, moral principles are those that no one could reasonably reject as a basis for general agreement with others motivated by the desire for principled justification to each other. This criterion does not presuppose divine command, Platonic moral realism, or any metaphysically contentious foundation; it requires only that agents be capable of genuine mutual justification.

The principle that 'authority over rational agents requires consent or meaningful exit' is Scanlonianly grounded: its rejection would require accepting either that power alone generates obligation (which rational agents could reasonably reject as contrary to their status as agents) or that unchosen existence constitutes consent (which rational agents could reasonably reject as inconsistent with what consent means). Conversely, norms of reciprocity — the positive ethical foundation built on shared vulnerability — satisfy the Scanlonian criterion: their rejection would require accepting either indifference to the conditions of one's own flourishing or a willingness to accept benefits from social cooperation while rejecting its obligations, both of which involve forms of inconsistency that rational agents could reasonably reject in their own case.

8.4 The Rational Nihilist Challenge

The most serious challenge to the shared vulnerability axiom is the genuinely rational nihilist: an agent who reflectively denies that her own existence is valuable, endorses no first-personal normative commitments, and therefore falls entirely outside the conditional argument's scope. Three observations are relevant, though it must be stated plainly that they do not constitute a full resolution.

First, genuine rational nihilism — distinguished carefully from despair, clinical depression, or existential crisis, which are psychological states rather than philosophical positions — is philosophically contested as a coherent sustained stance. As Camus (1942/1991) observed, even the inquiry into nihilism presupposes the value of honest inquiry, which is itself a normative commitment. Second, the framework's pragmatic response — that an agent who rejects reciprocity cannot coherently demand from others the protections reciprocity provides — is a consequence rather than a refutation. It does not generate internal normative motivation for the nihilist; it merely delineates her exclusion from the cooperative structures whose goods she does not value.

These responses are partial, and intellectual honesty requires saying so directly. The shared vulnerability axiom does not provide a universal foundation binding every conceivable agent regardless of their normative commitments. It provides a foundation binding agents who reflectively endorse their own agency — which is the vast majority of agents in practice, and the class of agents whose autonomy the framework aims to protect. Whether a fully universal secular ethical foundation is achievable remains a genuinely open problem in metaethics, and this framework does not claim to have solved it. What it does claim — more modestly but more defensibly — is that the absence of a universal foundation does not affect the core jurisdictional argument: divine authority claims require consent-based justification regardless of whether every possible agent

can be internally motivated by the shared vulnerability axiom. These are separable questions, and the strength of the jurisdictional framework does not depend on resolving the harder one.

9. POLITICAL AND CIVIC IMPLICATIONS: THE JURISDICTIONAL TURN IN PUBLIC LIFE

9.1 The Rawls-Wolterstorff Debate and Public Reason

One of the most productive engagements in late twentieth-century political philosophy was the debate between Rawls and Wolterstorff over the appropriate role of religious reasons in democratic deliberation. Rawls's public reason requirement (1997) holds that in a pluralistic democracy, citizens exercising political power have a duty to justify their positions through reasons that all citizens can in principle accept, regardless of comprehensive religious or philosophical doctrines. Religious reasons may motivate personal commitment but cannot — in their explicitly religious form — constitute the public justification for coercive legislation.

Wolterstorff (1997) resisted this on grounds of equal citizenship: requiring religious citizens to translate their deepest convictions into secular idiom imposes an asymmetric burden and treats religious reasoning as a second-class form of rational discourse. This is a genuine concern about democratic fairness that cannot be dismissed. However, jurisdictional sovereignty provides a response that is more principled than Rawls's procedural restriction while being more precise than Wolterstorff's objection anticipates.

The jurisdictional framework does not require that religious citizens suppress or translate their religious motivations. It requires only that the *authority claim* embedded in religious justifications for coercive policy — the claim that citizens are obligated to comply because God has commanded it — satisfy the consent conditions that all authority claims must satisfy. A religious citizen who argues for policy X because X is consistent with the greatest welfare of all citizens, expressed in religious language, makes a justification accessible to all. A religious citizen who argues that policy X must be enacted because God commands it, and that citizens who reject God's authority are nonetheless legally bound by His law, makes an authority claim on behalf of a jurisdiction whose legitimacy has not been demonstrated to those over whom it is exercised. The jurisdictional framework targets the *authority structure* of religious political reasoning, not its religious character. This is a more targeted and less paternalistic restriction than Rawls's comprehensive public reason requirement.

9.2 Bodily Sovereignty

Medical decisions concerning one's own body cannot be legitimately subordinated to religious doctrine without the patient's consent. This applies with particular force to cases where religious refusal to medical treatment poses serious risk of preventable death or permanent harm — cases involving minors in legal systems where parental authority is granted religious exemptions present the starkest jurisdictional analysis. The minor, who has not consented to the religious framework imposing the decision, is subject to irreversible consequences from an authority claim whose legitimacy has not been established on behalf of the person most directly affected.

The jurisdictional framework provides a non-naturalistic, non-sectarian ground for bodily sovereignty: the domain of one's own body is precisely the domain in which the consent requirement is maximally demanding. Whatever the theological merit of a specific religious doctrine, its application to another agent's body — particularly an agent who has not freely endorsed the theological framework — imposes jurisdiction without consent in its most intimate form. This is not hostility to religion; it is the consistent application of the same authority standards across contexts.

9.3 Civic Education and Epistemic Autonomy

A citizenry capable of evaluating authority claims rather than merely deferring to them is foundational to any genuine democratic culture. Civic education that cultivates evaluative reasoning with respect to all claims of

authority — political, religious, institutional — is not indoctrination against any particular position. There is a principled distinction between teaching that divine authority is illegitimate (a partisan conclusion that would itself be inappropriate in civic education) and teaching the skills of authority evaluation (a civic capacity that equips agents to reach their own conclusions). Jurisdictional sovereignty recommends the latter without presupposing the former.

10. PRELIMINARY APPLICATIONS: THE FRAMEWORK ACROSS NON-ABRAHAMIC THEOLOGICAL TRADITIONS

A serious and legitimate critique holds that the framework as developed presupposes a specifically Abrahamic model of divine governance — a personal God who issues commands, assigns blame, promises rewards, and inflicts punishments — and that it therefore requires preliminary application to the broader range of theological structures before its scope can be properly assessed. The following treatments are frankly introductory; they aim to demonstrate the framework's tractability across traditions rather than to provide definitive analyses, each of which would require a dedicated study.

10.1 Process Theology: The Persuasive God

Process theology, associated with Alfred North Whitehead and Charles Hartshorne, and developed in theology by John Cobb and David Ray Griffin, proposes a God who influences the world through persuasion rather than coercion — a divine lure toward richer experience and greater complexity rather than an omnipotent sovereign who commands and enforces. On this account, God does not issue binding commands or enforce punishments; divine 'authority' is better understood as the authority of an exemplary value — the kind of authority a beautiful piece of music has over a receptive listener.

Jurisdictional sovereignty interacts with process theology in an illuminating rather than adversarial way. The persuasive God of process theology does not make authority claims in the relevant normative sense: an entity whose governance is genuinely persuasive rather than coercive does not claim jurisdiction in a way that requires consent-based justification — because persuasion, by definition, leaves the agent free to accept or decline without moral censure or divine punishment. If process theology accurately describes divine governance, the framework's concern is substantially alleviated. This is precisely why Omittoism has no quarrel with theological traditions in which divine relationship is genuinely voluntary and genuinely revocable. The jurisdictional critique is directed at coercive authority claims, not at invitations to relationship.

However, this accommodation is available only if process theology maintains its central commitment against divine coercion consistently — including in its eschatology. If process theology, at any point, represents post-mortem states in which agents are sorted by their responses to divine persuasion with consequential and asymmetric outcomes, the authority structure it was thought to avoid re-enters through eschatological consequence.

10.2 Apophatic Theology: God Beyond Command

Apophatic theology — the *via negativa* of Dionysius the Areopagite, the cloud of unknowing in the English mystical tradition, and analogues in Sufism and certain forms of Jewish mysticism — holds that God is radically beyond all human predication, including predication in terms of goodness, will, command, and personality. On this account, it is literally meaningless to say that God commands, judges, or punishes, because these predicates apply only within the ontological domain that God infinitely transcends.

The jurisdictional framework's response is structurally elegant: the more strictly apophatic the theological position, the less it generates authority claims in the relevant sense, and therefore the less the jurisdictional critique applies. An apophatic God who transcends all predication — including the predication of authority — does not make jurisdictional claims and therefore cannot fail jurisdictional standards. The framework's concern is specifically with *authority claims* — assertions that rational agents are obligated to comply, that non-compliance

is morally blameworthy, that punishment awaits deviance. Where theology genuinely abandons these claims in favour of radical divine apophysis, jurisdiction is not asserted and therefore cannot be evaluated. The jurisdictional critique and genuine apophatic theology are, in this sense, mutually avoiding. The difficulty is that most theological traditions that invoke apophatic theology do so selectively — maintaining via negativa about divine nature while retaining cataphatic accounts of divine command and judgment. This selective apophysis is where the jurisdictional critique re-engages: an entity that is 'beyond all description' cannot coherently issue commands whose violation has specific moral consequences.

10.3 Advaita Vedanta and Non-Dual Traditions

Advaita Vedanta — the non-dual school associated most prominently with Adi Shankaracharya — holds that the individual self (*atman*) and the ultimate reality (*Brahman*) are identical at the deepest level of analysis. There is, strictly speaking, no relation between a creator and a creature because there are no ultimate ontological distinctions. The question of divine authority over rational agents does not arise in the standard form because the opposition between 'God' and 'agent' that the question presupposes is itself, on this account, a feature of conventional rather than ultimate reality.

The framework acknowledges that its primary interlocutor is the Abrahamic theological tradition and its political-authority representation of divine governance. In non-dual traditions where the individual-divine distinction is ultimately illusory, the consent question does not arise in the same form. This is not a defeat for the framework but a clarification of its scope: jurisdictional sovereignty evaluates *authority claims* — claims made by an entity distinct from the agent it governs. Where genuine non-dualism abolishes that distinction, the authority structure the framework evaluates is not present. This explains why the framework's concerns are primarily relevant to theistic traditions that maintain the distinction between divine governor and human governed. It does not purport to be a universal critique of all religious structures; it is a critique of the specifically political model of divine governance that dominates Abrahamic traditions and their analogues.

What remains relevant to non-dual traditions is the *epistemic* dimension of the jurisdictional concern: how is the ordinary practitioner, whose experience is decidedly dualistic, to evaluate the authority claims of teachers, institutions, and texts that represent themselves as channels of non-dual truth? The answer that only enlightened masters can evaluate such claims — that the uninitiated should defer to authority — is structurally analogous to the divine authority claim the framework addresses, and the consent requirement applies to it with equal force.

11. LIMITATIONS AND OPEN QUESTIONS

Intellectual honesty requires clear-eyed self-assessment. The following limitations are genuine, not rhetorical hedges, and they represent productive directions for future research rather than concealed weaknesses.

The scope of rational agency. The framework's consent analysis targets rational agents — beings capable of reflective endorsement, evaluation, and deliberate commitment. It does not straightforwardly address children, agents with severe cognitive limitations, or — in a different domain — non-human animals. Where theological frameworks extend divine authority over all sentient beings, including those incapable of consent, the analysis requires adaptation. This is not a trivial gap; it bears on fundamental questions about the nature of moral community and the scope of authority.

Internal religious critiques of authority. Many theological traditions have themselves developed sophisticated internal critiques of naive divine command theory — apophatic Christianity, certain Sufi traditions, the Jewish philosophical theology of Maimonides, Reformed epistemology's treatment of properly basic belief. These traditions may be closer allies than adversaries to the jurisdictional framework, and a fuller treatment would need to engage them as partners in the conversation rather than simply as objects of critique.

The consent model's contested foundations. Consent theory in political philosophy is itself deeply contested, and the framework's reliance on it inherits those contestations. The debate between actual and

hypothetical consent, the problem of adaptive preferences, and the challenge of structural coercion all affect the consent constraint's application. While this paper has addressed the hypothetical consent objection (Section 6.3), a fuller treatment of consent theory's contested foundations would strengthen the framework's political philosophy credentials.

Non-Western philosophical traditions. Despite the engagement with Advaita Vedanta, Daoism, and Buddhist epistemic autonomy in this paper, these treatments are necessarily introductory. Each tradition contains rich resources for a comparative jurisprudence of authority that a single paper cannot exhaust. Future work should engage Daoist thought on authority more deeply — the *Laozi's* concept of *wu wei* (effortless non-coercion) and the Zhuangist critique of normative authority represent independent philosophical developments of remarkable relevance to this framework.

12. CONCLUSION: THE JURISDICTION QUESTION AND THE INTEGRITY OF RATIONAL AGENCY

This paper began with a question that has been conspicuously absent from two millennia of philosophical theology: by what right does any being — however powerful, however creative, however ontologically ultimate — possess legitimate authority over rational agents? The answer developed across twelve sections is neither simple nor comfortable, but it is, the analysis suggests, philosophically defensible and intellectually necessary.

The jurisdictional sovereignty framework establishes that authority — cosmic or political, divine or human — requires justification through consent, accountability, and proportionality. The capacity to create, the fact of existence, and the possession of power do not by themselves satisfy this requirement. This is not a philosophical novelty but a principled application of commitments already embedded in mature political philosophy — commitments whose systematic non-application to divine governance represents an asymmetry that examination reveals to be unjustified.

The framework's ontological invariance is its most important structural feature. It does not require us to resolve the metaphysically intractable existence question before deliberating about the normatively tractable legitimacy question. Whether God exists may remain epistemically undecidable; whether a claimed authority meets the conditions of legitimate governance can be evaluated now, through publicly available criteria, by any reflective agent. The jurisdictional framework invites precisely that evaluation — and holds that the invitation itself is the expression, rather than the violation, of mature rational agency.

The consentism corollary ensures that this invitation is genuinely open in both directions. A God who satisfies the consent conditions — whose authority is genuinely voluntarily affirmed, whose governance is genuinely accountable, whose justice is genuinely proportional — is fully recognised as legitimate within the framework. The framework does not seek to empty the world's places of worship; it seeks to ensure that those who enter them do so freely. Authentic religious commitment — which most believers already exhibit, in the relevant sense — is not threatened by the framework. What the framework challenges is the claim that such commitment is logically necessitated by existence, that reflection on its conditions is impermissible, or that principled withholding of consent is irrational or immoral.

The jurisdictional question is not only a philosophical nicety. It has consequences for how political authority is exercised, for how bodies are governed, for how children are educated, and for the conditions under which individuals navigate the most fundamental questions of their lives. Philosophy of religion that addresses only the existence question leaves these consequences in the shadows. The present analysis attempts to bring them into the light.

Kant wrote that two things filled him with ever-renewed wonder: the starry sky above and the moral law within. The jurisdictional framework endorses the wonder without the submission. One can stand before the cosmos in full awe of its magnitude, its complexity, its fathomless depth — and still ask, with complete philosophical seriousness and complete moral integrity: by what right does it claim jurisdiction over the life I

did not choose to live within it? The question is not impertinent. It is the question that a genuinely free being must ask. The answer, whatever it proves to be, belongs to us — and the integrity of rational agency consists not in the answer we reach, but in the refusal to treat the question as forbidden.

NOTES

- 1 The term 'jurisdictional sovereignty' organises and extends a tradition of argumentation running from Locke (1689/1988) and Wolff (1970) to Murphy (2002), while introducing the formal property of ontological invariance not present in these predecessors. In broader discourse, the position has also attracted the designations 'Omittoism' and 'Consentheism'; these labels are acknowledged without making this paper dependent on any single authorial framework.
- 2 For the ontological paradigm as the dominant framing in philosophy of religion, see Rowe (2007) for a standard overview; Plantinga (1974) and Swinburne (2004) for sophisticated contemporary examples. Taliaferro (2005) provides a comprehensive intellectual history.
- 3 Darwall (2006) develops the 'second-person standpoint' — the irreducibly relational structure of moral demands — in a way that independently supports Axiom II. His analysis shows that address to another as an agent already presupposes the addressee's standing to evaluate the claim being made.
- 4 The demarcation criterion responds directly to what the critical literature identifies as the 'overreach objection.' The criterion distinguishes normative authority claims (which require consent) from causal regularities (which do not) by reference to their mode of address: authority claims address agents as agents, presupposing their evaluative standing.
- 5 For the 'natural consequence' model of Hell, see Adams (1993). For proportionality in criminal justice, see Tadros (2011, ch. 2). The application of proportionality doctrine to theological punishment is developed in Kvanvig (1993).
- 6 The distinction between actual and hypothetical consent in political legitimacy theory is developed in Simmons (1979) and Pateman (1985). Buchanan (2002) provides the most sophisticated recent treatment in the context of political legitimacy, from which the present analysis draws its procedural fairness criterion for hypothetical consent models.
- 7 For the sophisticated Thomistic position on participatory metaphysics, see Stump (2003, chs. 2-4) and Davies (2006, chs. 1-3). The internal tension between natural teleology and legislative command identified in the text is discussed, though not resolved in the same direction, by Murphy (2002, ch. 4).
- 8 The symmetrical defeat of skeptical theism is anticipated in Almeida and Oppy (2003) and developed with particular rigour in Wielenberg (2010). The formulation in the text is the author's own synthesis of these arguments, emphasising the structural symmetry as a formal logical observation.
- 9 Van Inwagen (2006) acknowledges the gap regarding freedom calibration in Plantinga's defence. For the distinction between freedom over significant choices and freedom to inflict mass harm, see Mackie (1982, pp. 162-177).
- 10 The Rawls-Wolterstorff debate on public reason is conducted primarily in Rawls (1997) and Wolterstorff (1997). For an analysis of how the 'translation requirement' operates in practice, see Habermas (2006). The targeted reformulation of the public reason requirement offered here — focusing on authority structure rather than religious idiom — is the author's development of a position suggested by Raz (1986, ch. 2).
- 11 For process theology's account of persuasive divine governance, see Griffin (2001) and Cobb (1982). The eschatological re-entry problem noted in the text is not, to the author's knowledge, addressed in the process theology literature.
- 12 For apophatic theology in Dionysius the Areopagite, see Turner (1995). For the selective apophasis problem identified in the text, see Alston (1989), who attempts to reconcile divine transcendence with divine agency while acknowledging the tension.
- 13 For Advaita Vedanta, see Mayeda (1992) for a scholarly treatment. The application of the jurisdictional analysis to the epistemic authority claims of non-dual traditions is the author's own extension and does not appear in the Vedantic literature, which does not typically address the framework's categories.
- 14 This article is the original intellectual derivation and sole philosophical expression of the author, **Shamsaddin Amanov**. While generative artificial intelligence (LLM models) was utilized as a technical scaffold for linguistic refinement and structural synthesis only, the conceptual architecture, Omittoist arguments, jurisdictional logic, and core philosophical framework remain the exclusive intellectual property of the author. Consequently, full responsibility for every claim, argument, error, and conclusion rests solely with the author.

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